

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

---

**KIMBERLEE WILLIAMS, et al.,**

Plaintiffs,

v.

**BASF CATALYSTS LLC, et al.,**

Defendants.

---

:  
:  
:  
:  
:  
:  
:  
:  
:  
:  
:  
:

Case No. 2:11-cv-1754-JLL-JAD

---

**ORDER FROM SPECIAL MASTER  
RE ECF NO. 001 (Case No. 1:17-mc-00015, N.D. Ohio)  
TRANSFERRED TO CASE NO. 2:11-CV-1754, D.N.J.**

---

**THIS MATTER** having been opened by the March 20, 2017 application of defendant BASF Catalysts LLC (“BASF”) (Thompson Hine, LLP, Kirkland & Ellis LLP and Robinson Miller LLC, appearing), filed under Case No. 1:17-mc-00015 in the United States District Court for the Northern District of Ohio, Eastern Division and then transferred to this court and case number, seeking to enforce a subpoena *duces tecum* served on Bevan & Associates L.P.A. and Thomas W. Bevan, Esq. (collectively, “Bevan”) [ECF No. 1, Case No. 1:17-mc-00015, N.D. Ohio];

**AND**, on April 3, 2017, plaintiffs Kimberlee Williams, Nancy Pease, Marilyn L. Holley, Donna Ware, Donnette Wengerd, and Rosanne Chernick, each in their capacity as the personal representative of a decedent and as representatives of others similarly situated (“plaintiffs”) (Bevan & Associates L.P.A., Inc., Cohen, Placitella & Roth, P.C., and Fox

Rothschild LLP, appearing), having filed their opposition thereto [ECF No. 9, , Case No. 1:17-mc-00015, N.D. Ohio];

**AND**, on April 6, 2017, Bevan (Levy Konigsberg, LLP, appearing) having filed their response to BASF's motion to enforce the subpoena *duces tecum* served on Bevan [ECF No. 279];

**AND**, on April 24, 2017, BASF having filed its consolidated response to the opposition to its motion to enforce a subpoena *duces tecum* served on Bevan [ECF No. 295];

**AND**, on October 26, 2017, defendants Cahill Gordon & Reindel LLP, Howard G. Sloane, and Ira J. Dembrow (Williams & Connolly LLP and Connell Foley LLP, appearing), having orally joined in BASF's application;

**AND**, oral argument on the foregoing having been heard on October 26, 2017;

**AND**, the written and oral submissions of the parties having been considered;

**AND**, for the reasons set forth on the record on October 26, 2017;

**AND**, for good cause appearing;

**IT IS**, this 26<sup>th</sup> day of October, 2017, hereby

**1. ORDERED** that BASF's application be, and the same hereby is, **GRANTED IN PART and DENIED IN PART**; and it is hereby

**2. FURTHER ORDERED** that, in respect of the files of any of the representative plaintiffs named in this action maintained by Bevan, Christopher M. Placitella, Esq. be, and the same hereby is **ORDERED** that he shall

(a) review all such files retained by Bevan and cause each page to be Bates-numbered;

(b) segregate the documents contained in those files into two categories: non-privileged documents and documents under a claim of privilege;

(c) generate a privilege log listing any document in those files in respect of which a privilege is claimed;

(d) by no later than November 2, 2017, electronically transfer to Eugene F. Asssaf, P.C. copies of all non-privileged documents in those files and the privilege log in respect of each of those files, all in portable document format (.pdf) with optical character recognition (OCR);

(e) by no later than November 2, 2017, electronically transfer to the special master copies of all documents in those files in respect of which a privilege is claimed and the privilege log in respect of each of those files, all in .pdf format (.pdf) with OCR; and it is hereby

**3. FURTHER ORDERED** that, in respect of the files of any putative plaintiffs in this action maintained by Bevan, Christopher M. Placitella, Esq. be, and the same hereby is, **ORDERED** that he shall

(a) randomly and arbitrarily select thirty (30) of such files retained by Bevan and cause each page in the randomly and arbitrarily selected files to be Bates-numbered;

(b) segregate the documents contained in those files into two categories: non-privileged documents and documents under a claim of privilege;

(c) generate a privilege log listing any document in those files in respect of which a privilege is claimed;

(d) by no later than November 27, 2017, electronically transfer to Eugene F. Asssaf, P.C. copies of all non-privileged documents in those files and the privilege log in respect of each of those files, all in .pdf format with OCR;

(e) by no later than November 27, 2017, electronically transfer to the special master copies of all documents in those files in respect of which a privilege is claimed and the privilege log in respect of each of those files, all in .pdf format with OCR; and it is hereby

**4. FURTHER ORDERED** that, save and except as otherwise granted by this order, BASF's application be, and the same hereby is, **DENIED WITHOUT PREJUDICE**.

/s/ Roberto A. Rivera-Soto

Roberto A. Rivera-Soto  
Special Master